S T A T E   O F   N E W   Y O R K

7157

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 3, 2013

Introduced by M. of A. WRIGHT, JAFFEE, COLTON, ROBINSON, ROSENTHAL, DINOWITZ, MILLMAN, CLARK, NOLAN, MARKEY, RAMOS, LIFTON, LAVINE, PERRY, BOYLAND, O'DONNELL, BRONSON -- Multi-Sponsored by -- M. of A. AUBRY, BENEDETTO, BRENNAN, CAHILL, COOK, GUNTHER, HEASTIE, JACOBS, LUPARDO, PAULIN, PEOPLES-STOKES, PRETLOW, RABBITT, RUSSELL, SCHIMEL, SWEENEY, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to the unemployment insurance law, increasing the maximum benefit rate for unemployment insurance

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor law, as amended by chapter 589 of the laws of 1998, is amended to read as follows:

(a) "Wages" means all remuneration paid, except that such term does not include remuneration paid to an employee by an employer after [eight thousand five hundred] NINE THOUSAND SEVEN HUNDRED FIFTY dollars have been paid to such employee by such employer with respect to employment during any calendar year PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND FIFTEEN, NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER AFTER TWELVE THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND SIXTEEN, NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER AFTER THIRTEEN THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND SEVENTEEN. IN EACH SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE BASE AMOUNT OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR IN THIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE NECESSARY. The term "employment" includes for the purposes of this subdivision services constituting employment under any unemployment compensation law of another state or the United States.

S 2. Paragraph (a) of subdivision 1 of section 518 of the labor law, as amended by section 1 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

(a) "Wages" means all remuneration paid, except that such term does not include remuneration paid to an employee by an employer after [eight] NINE thousand [five] SEVEN hundred FIFTY dollars have been paid to such employee by such employer with respect to employment during any calendar year PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, except that such term does not include remuneration paid to an employee by an employer with respect to employment during any calendar year beginning with the first day of

	that exceeds
January 2014	$10,300
January 2015	[$10,500] $12,500
January 2016	[$10,700
January 2017	$10,900
January 2018	$11,100
January 2019	$11,400
January 2020	$11,600
January 2021	$11,800
January 2022	$12,000
January 2023	$12,300
January 2024	$12,500
January 2025	$12,800
January 2026	$13,000

and each year thereafter on the first day of January that exceeds sixteen percent of the state's average annual wage as determined by the commissioner on an annual basis pursuant to section five hundred twenty-nine of this article; provided, however, that in calculating such maximum amount of remuneration, the amount arrived at by multiplying the state's average annual wage times sixteen percent shall be rounded up to the nearest hundred dollars. In no event shall the state's annual average wage be reduced from the amount determined in the previous year.] $13,500.

IN EACH SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE BASE AMOUNT OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR IN THIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE NECESSARY. The term "employment" includes for the purposes of this subdivision services constituting employment under any unemployment compensation law of another state or the United States.

S 3. Subdivision 5 of section 590 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

5. Benefit rate. A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article. However, for claimants whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or

payments in lieu of contributions under this article. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be [lowered to] the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded [down] to the [lowest] NEXT dollar. ON THE FIRST MONDAY OF JULY, TWO THOUSAND FOURTEEN, THE WEEKLY BENEFIT SHALL NOT EXCEED FOUR HUNDRED SEVENTY-FIVE DOLLARS NOR LESS THAN SEVENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND FIFTEEN AT WHICH TIME THE WEEKLY BENEFIT SHALL NOT EXCEED FIVE HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND SIXTEEN AT WHICH TIME THE MAXIMUM WEEKLY BENEFIT SHALL NOT EXCEED SIX HUNDRED DOLLARS UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND SEVENTEEN, AT WHICH TIME THE MAXIMUM WEEKLY BENEFIT SHALL NOT EXCEED SIX HUNDRED FIFTY DOLLARS UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND EIGHTEEN AT WHICH TIME THE MAXIMUM BENEFIT PURSUANT TO THIS SUBDIVISION SHALL EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE DEPARTMENT NO SOONER THAN JULY FIRST, TWO THOUSAND EIGHTEEN AND NOT LATER THAN AUGUST FIRST, TWO THOUSAND EIGHTEEN AND ON JULY FIRST OF EACH SUCCEEDING YEAR THE MAXIMUM BENEFIT SHALL EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE DEPARTMENT ANNUALLY PURSUANT TO THE MANNER DESCRIBED IN THIS SUBDIVISION. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "STATE AVERAGE WEEKLY WAGE" SHALL MEAN THE AVERAGE WEEKLY WAGE OF THE STATE FOR THE PREVIOUS CALENDAR YEAR AS REPORTED BY THE COMMISSIONER TO THE SUPERINTENDENT OF FINANCIAL SERVICES ON MARCH THIRTY-FIRST.

S 4. This act shall take effect immediately and shall apply to all claims filed on and after the effective date of this act; provided, however, that section one of this act shall take effect on the thirtieth day after it shall have become a law, and section two of this act shall take effect on the same date and in the same manner as section 1 of part O of chapter 57 of the laws of 2013 takes effect.